

Senate Bill No. 247

CHAPTER 705

An act to add Section 34505.8 to, and to add Article 3.6 (commencing with Section 27425) to Chapter 5 of Division 12 of, the Vehicle Code, relating to transportation safety.

[Approved by Governor September 27, 2016. Filed with
Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 247, Lara. Charter bus transportation: safety improvements.

The Passenger Charter-party Carriers' Act imposes various requirements on charter-party carriers of passengers, and provides for the safety regulation of charter-party carriers of passengers engaged in charter bus transportation, as defined, by the Public Utilities Commission.

Under existing law, the Department of the California Highway Patrol is responsible for specified vehicle safety and equipment regulation. Unless otherwise specified, a violation of these vehicle safety and equipment provisions is an infraction.

This bill, in addition to the above-referenced act, would require a charter-party carrier of passengers engaged in charter bus transportation to ensure that the driver of a charter bus that is designed to carry 39 or more passengers provides oral and written or video instructions to all passengers on the safety equipment and emergency exits on the vehicle prior to the beginning of any trip. The bill would also require those vehicles manufactured after July 1, 2020, to be equipped with emergency lighting fixtures that will turn on in the event of an impact or collision. The bill would require the department to adopt standards and criteria for the implementation of these equipment and safety requirements no later than July 1, 2018. The bill would also make related findings and declarations.

Because a violation of these provisions would be an infraction, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The safety of passengers traveling in charter buses in California is of the utmost importance. According to the Federal Motor Carrier Safety Administration, between 1975 and 2013, there were over 11,000 fatal crashes involving charter buses, including 1,615 occupant fatalities. Improved safety standards and practices are necessary to better protect passengers in the event of a charter bus crash.

(b) On April 10, 2014, in Orland, California, eight passengers traveling on a charter bus, along with the driver, were tragically killed in a freeway collision. In a report released in 2015, the National Transportation Safety Board examined the crash and made recommendations for safety improvements, including fire performance standards for interior materials, requiring pretrip safety briefings for passengers, improvements in vehicle design to facilitate evacuation, and the installation of event data recorder (EDR) technology for crash reconstruction and safety improvements.

(c) These improvements would significantly increase passenger safety and would reduce or prevent future deaths in traffic collisions involving charter buses.

SEC. 2. Article 3.6 (commencing with Section 27425) is added to Chapter 5 of Division 12 of the Vehicle Code, to read:

Article 3.6. Charter-Party Carrier Safety Equipment

27425. (a) A vehicle described in paragraph (1) of subdivision (b) of Section 5363 of the Public Utilities Code that is designed to carry 39 or more passengers and that is manufactured on or after July 1, 2020, shall be equipped with emergency lighting fixtures that will turn on in the event of an impact or collision.

(b) A vehicle as specified in subdivision (a) shall at all times meet applicable federal motor vehicle safety standards (FMVSS) issued by the United States Department of Transportation. This section shall not be construed to conflict with those standards.

27426. No later than July 1, 2018, the department shall adopt standards and criteria for the implementation of the safety equipment requirements specified in Section 27425.

27427. This act does not alter or affect the requirements of the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code).

SEC. 3. Section 34505.8 is added to the Vehicle Code, to read:

34505.8. (a) A charter-party carrier of passengers engaged in charter bus transportation shall ensure that the driver of a vehicle as described in paragraph (1) of subdivision (b) of Section 5363 of the Public Utilities Code that is designed to carry 39 or more passengers shall instruct or play a video for all passengers on the safety equipment and emergency exits on the vehicle prior to the beginning of any trip and provide each passenger with written or video instructions that include, at a minimum, a demonstration

of the location and operation of all exits, including emergency exits, and the importance of wearing a seatbelt, if available.

(b) Notwithstanding any other law, no later than July 1, 2018, the department shall adopt standards and criteria for the implementation of the safety requirements specified in this section.

(c) This section does not alter or affect the requirements of the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code).

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.